

103^D CONGRESS
2^D SESSION

H. R. 3746

To authorize the Director of the Bureau of Justice Assistance to approve local programs that exchange merchandise vouchers for firearms and make grants to the programs, to amend title 18, United States Code, to provide amnesty for individuals who surrender firearms under the programs, and to amend the Internal Revenue Code of 1986 to allow tax deductions for taxpayers who donate merchandise vouchers for use in the programs.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 1994

Mr. KLEIN introduced the following bill; which was referred jointly to the Committees on the Judiciary and Ways and Means

A BILL

To authorize the Director of the Bureau of Justice Assistance to approve local programs that exchange merchandise vouchers for firearms and make grants to the programs, to amend title 18, United States Code, to provide amnesty for individuals who surrender firearms under the programs, and to amend the Internal Revenue Code of 1986 to allow tax deductions for taxpayers who donate merchandise vouchers for use in the programs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be known as the “National Firearms
3 Exchange Act”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—The Congress finds that—

6 (1) the Nation is afflicted with an enormous
7 problem relating to crimes of violence;

8 (2) there are more than 200,000,000 firearms
9 on the Nation’s streets;

10 (3) such firearms are the cause of numerous
11 deaths and injuries to the Nation’s citizens; and

12 (4) it is essential that the Nation act to rid it-
13 self of such firearms and protect the safety of its
14 citizens.

15 (b) PURPOSE.—The purpose of this Act is—

16 (1) to authorize the Director of the Bureau of
17 Justice Assistance to approve local programs that
18 exchange merchandise vouchers for firearms;

19 (2) to authorize the Director to make grants to
20 the programs;

21 (3) to provide amnesty from certain Federal
22 statutes concerning firearms for individuals who sur-
23 render, or are in the process of surrendering, fire-
24 arms under the programs; and

1 (4) to allow a tax deduction for taxpayers who
2 donate merchandise vouchers for use in the pro-
3 grams.

4 **TITLE I—PROGRAMS TO EX-**
5 **CHANGE VOUCHERS FOR**
6 **FIREARMS**

7 **SEC. 101. APPROVAL AND FUNDING OF PROGRAMS TO EX-**
8 **CHANGE VOUCHERS FOR FIREARMS.**

9 (a) IN GENERAL.—Title I of the Omnibus Crime
10 Control and Safe Streets Act of 1968 (42 U.S.C. 3711
11 et seq.) is amended—

12 (1) by redesignating part Q as part R;

13 (2) by redesignating section 1701 as section
14 1801; and

15 (3) by inserting after part P the following new
16 part:

17 **“PART Q—PROGRAMS TO EXCHANGE**
18 **MERCHANDISE VOUCHERS FOR FIREARMS**

19 **“SEC. 1701. APPROVAL OF PROGRAMS TO EXCHANGE MER-**
20 **CHANDISE VOUCHERS FOR FIREARMS.**

21 “(a) IN GENERAL.—The Director of the Bureau of
22 Justice Assistance shall establish procedures under which
23 any unit of local government may apply for approval,
24 under this section, of a program to exchange merchandise
25 vouchers for firearms. The Director shall establish criteria

1 and procedures to determine whether any such program
2 should be approved under this part.

3 “(b) FACTORS TO BE CONSIDERED.—In determining
4 whether or not to approve a program under this section,
5 the Director shall consider—

6 “(1) the characteristics of the unit of local gov-
7 ernment in which the program will be located;

8 “(2) the kinds of firearms included in the pro-
9 gram;

10 “(3) the manner in which the program will dis-
11 pose of firearms that are surrendered;

12 “(4) whether the program will accept firearms
13 from residents of other States and units of local gov-
14 ernment;

15 “(5) whether and to what extent the program
16 will protect the anonymity of individuals who surren-
17 der firearms to the program;

18 “(6) whether and to what extent the State in
19 which the program is located will provide that any
20 individual who surrenders, or is in the process of
21 surrendering, a firearm to the program will not be
22 prosecuted under State law—

23 “(A) for possession, transportation, stor-
24 age, or concealment of the firearm (occurring

1 before or after the date of the enactment of this
2 part);

3 “(B) for transfer, delivery, shipment, or
4 surrender of the firearm to the program;

5 “(C) for surrender of the firearm to the
6 program in exchange for a voucher; or

7 “(D) for making the firearm or for obliter-
8 ating, removing, changing, or altering the serial
9 number or other required identification of the
10 firearm;

11 “(7) the manner in which the program will re-
12 cruit participation by individuals and businesses;
13 and

14 “(8) any other factor that the Director consid-
15 ers appropriate.

16 “(c) DISPOSAL OF FIREARMS.—

17 “(1) DESTRUCTION OF FIREARMS.—The Direc-
18 tor may not approve under this section any program
19 that does not provide that all firearms surrendered
20 to the program will be destroyed.

21 “(2) USE OF FIREARMS FOR EVIDENTIARY AND
22 INVESTIGATIVE PURPOSES.—Paragraph (1) shall not
23 be interpreted to require the destruction of a firearm
24 that is surrendered to an approved program and is
25 needed for investigatory or evidentiary purposes,

1 until the firearm is no longer needed for such pur-
2 poses.

3 “(d) TIMING OF APPROVAL PROCESS AND DURATION
4 OF APPROVAL STATUS.—

5 “(1) TIMING OF APPROVAL PROCESS.—The Di-
6 rector shall approve or disapprove each program for
7 which an application is submitted under subsection
8 (a) within 60 days after the application is submitted.

9 “(2) DURATION OF APPROVAL STATUS.—A pro-
10 gram shall be considered approved for the 2-year
11 period beginning on the date that the program is
12 approved under this section, and may reapply for
13 approval for subsequent 2-year periods.

14 “(e) EFFORT TO SECURE STATE AMNESTY REGARD-
15 ING APPROVED PROGRAMS.—The Director shall make
16 every effort possible to secure from State governments, for
17 individuals who surrender or are in the process of surren-
18 dering a firearm to a program approved under this section,
19 provisions of amnesty that are similar to the amnesty de-
20 scribed in section 925(h) of title 18, United States Code,
21 regarding State offenses that are the same as or substan-
22 tially similar to the Federal offenses for which amnesty
23 is provided in such section.

1 **“SEC. 1702. GRANTS TO APPROVED PROGRAMS.**

2 “(a) GRANT AUTHORIZATION.—The Director may
3 make grants to programs that are approved under section
4 1701.

5 “(b) APPLICATIONS, CRITERIA, AND ALLOCATION.—
6 The Director shall establish procedures under which a unit
7 of local government whose program is approved under sec-
8 tion 1701 may apply for a grant for the program. The
9 Director shall establish procedures and criteria to deter-
10 mine whether any such program should receive such a
11 grant.

12 **“SEC. 1703. ANNUAL REPORT TO CONGRESS.**

13 “(a) IN GENERAL.—As part of the annual report re-
14 quired by section 810, the Director shall submit to the
15 Congress an assessment of the effectiveness of this part
16 and of approved programs. The Director’s assessment may
17 include recommendations that the Director finds appro-
18 priate.

19 “(b) CRITERIA REGARDING EFFECTIVENESS.—In
20 order to complete the assessment required by subsection
21 (a), the Director shall establish criteria for evaluating the
22 effectiveness of this part and of approved programs.

23 “(c) EVALUATION OF FACTORS.—The assessment re-
24 quired by subsection (a) also shall include—

25 “(1) a statement showing the manner in which
26 the Director used the factors referred to in section

1 1701(b) in deciding whether to approve and fund
2 programs under this part; and

3 “(2) for each of the factors referred to in sec-
4 tion 1701(b), a statement of the manner in which
5 the program characteristics included in the factor
6 predict a program’s effectiveness.

7 “(d) RECOMMENDATION REGARDING THIS PART.—
8 In the annual report, referred to in section (a), that is
9 submitted to the Congress 2 years after the date of the
10 enactment of this Act, the Director shall make a rec-
11 ommendation regarding whether approval and funding of
12 programs under this part should continue.

13 **“SEC. 1704. DEFINITIONS.**

14 “For purposes of this part:

15 “(1) The term ‘approved program’ means a
16 program approved by the Director under section
17 1701.

18 “(2) The term ‘Director’ means the Director of
19 the Bureau of Justice Assistance.

20 “(3) The term ‘firearm’ has the meaning given
21 such term in section 921(a)(3)(A) of title 18, United
22 States Code.

23 “(4) The term ‘program’ means a program of
24 a unit of local government to exchange merchandise
25 vouchers for firearms.”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
 2 1001(a) of the Omnibus Crime Control and Safe Streets
 3 Act of 1968 (42 U.S.C. 3793(a)) is amended by adding
 4 at the end the following new paragraph:

5 “(11) There are authorized to be appropriated such
 6 sums as may be necessary to carry out part Q.”.

7 (c) ADDITIONAL AMENDMENTS.—Title I of the Om-
 8 nibus Crime Control and Safe Streets Act of 1968 (42
 9 U.S.C. 3711 et seq.) is amended—

10 (1) in section 801(b), by striking “and O” and
 11 inserting “O, and Q”;

12 (2) in the first sentence of section 802(b), by
 13 striking “or O” and inserting “O, or Q”; and

14 (3) in section 1001(a)(3), by striking “and O”
 15 and inserting “O, and Q”.

16 (d) CONFORMING AMENDMENT.—The table of con-
 17 tents of title I of the Omnibus Crime Control and Safe
 18 Streets Act of 1968 (42 U.S.C. 3711 prec.) is amended
 19 by striking the items relating to part Q and inserting the
 20 following new items:

“PART Q—PROGRAMS TO EXCHANGE MERCHANDISE VOUCHERS FOR
 FIREARMS

“Sec. 1701. Approval of programs to exchange merchandise vouchers for fire-
 arms.

“Sec. 1702. Grants to approved programs.

“Sec. 1703. Annual report to Congress.

“Sec. 1704. Definitions.

“PART R—TRANSITION—EFFECTIVE DATE—REPEALER

“Sec. 1801. Continuation of rules, authorities, and proceedings.”.

1 **SEC. 102. AMNESTY FOR INDIVIDUALS SURRENDERING**
2 **FIREARMS.**

3 (a) IN GENERAL.—Section 925 of title 18, United
4 States Code, is amended by adding at the end the follow-
5 ing new subsection:

6 “(h)(1)(A) If an individual surrenders, or is in the
7 process of surrendering, a firearm to a program approved
8 under section 1701 of the Omnibus Crime Control and
9 Safe Streets Act of 1968, section 922 of this title (except
10 section 922(q)(1)(A)), and section 5861 of the National
11 Firearms Act, shall not apply to the individual’s—

12 “(i) possession, transportation, storage, or con-
13 cealment of the firearm (whether before or after the
14 date of the enactment of this subsection);

15 “(ii) transfer, delivery, shipment, or surrender
16 of the firearm to such a program;

17 “(iii) surrender of the firearm to such a pro-
18 gram in exchange for a voucher; or

19 “(iv) making of the firearm in violation of the
20 National Firearms Act, or obliteration, removal,
21 change, or alteration of the serial number of the
22 firearm (or other identification of the firearm) re-
23 quired by the National Firearms Act.

24 “(B) Subparagraph (A) shall not apply to an individ-
25 ual’s conduct regarding a firearm if, at the time that the
26 individual surrenders, or is in the process of surrendering,

1 the firearm to a program approved under section 1701 of
2 the Omnibus Crime Control and Safe Streets Act of
3 1968—

4 “(i) the individual is the subject of a complaint
5 made, an indictment or information filed, an arrest
6 made, or a summons issued, to begin a prosecution,
7 for a violation of a provision referred to in subpara-
8 graph (A), regarding the firearm; or

9 “(ii) the individual knows that the individual is
10 the subject of a criminal investigation concerning the
11 individual’s violation of a provision referred to in
12 subparagraph (A) with regard to the firearm.

13 “(2)(A) Possession of a firearm in a school zone in
14 order to surrender the firearm to a program, approved
15 under section 1701 of the Omnibus Crime Control and
16 Safe Streets Act of 1968, that is located in the school zone
17 shall not be a violation of section 922(q)(1)(A) of this title.

18 “(B) Bringing a firearm to a Federal facility, or pos-
19 sessing a firearm in a Federal facility, in order to surren-
20 der the firearm to a program, approved under section
21 1701 of the Omnibus Crime Control and Safe Streets Act
22 of 1968, that is located in the Federal facility shall not
23 be a violation of section 930(a) of this title.”.

1 (b) CROSS REFERENCE.—The National Firearms Act
 2 (26 U.S.C. 5801 et seq.) is amended by inserting after
 3 section 5861 the following new section:

4 **“SEC. 5862. CROSS REFERENCE.**

**“For applicability of section 5861 to individuals
 surrendering firearms to programs approved under
 section 1701 of the Omnibus Crime Control and Safe
 Streets Act of 1968, see section 925(h)(1) of title 18,
 United States Code.”.**

5 **TITLE II—TAX DEDUCTION FOR**
 6 **TAXPAYERS WHO DONATE**
 7 **MERCHANDISE VOUCHERS**

8 **SEC. 201. CHARITABLE DEDUCTION MODIFIED TO ALLOW**
 9 **DEDUCTION FOR FAIR MARKET VALUE OF**
 10 **CERTAIN CONTRIBUTIONS IN CONNECTION**
 11 **WITH GUN EXCHANGE PROGRAMS.**

12 (a) GENERAL RULE.—Subsection (e) of section 170
 13 of the Internal Revenue Code of 1986 (relating to certain
 14 contributions of ordinary income and capital gain prop-
 15 erty) is amended by adding at the end thereof the follow-
 16 ing new paragraph:

17 **“(6) DEDUCTION ALLOWED FOR FULL MARKET**
 18 **VALUE OF CERTAIN CONTRIBUTIONS IN CONNECTION**
 19 **WITH GUN EXCHANGE PROGRAMS.—**

20 **“(A) IN GENERAL.—**The deduction under
 21 subsection (a) for any qualified gun exchange
 22 program contribution shall be an amount equal
 23 to its fair market value, and no reduction under

1 paragraph (1)(A) shall be made in the amount
2 of such contribution.

3 “(B) QUALIFIED GUN EXCHANGE PRO-
4 GRAM CONTRIBUTION.—For purposes of this
5 paragraph, the term ‘qualified gun exchange
6 program contribution’ means any charitable
7 contribution of property described in paragraph
8 (1) of section 1221 or of a voucher which may
9 be used to acquire property so described if—

10 “(i) the property (or voucher) is to be
11 transferred by the donee to individuals sur-
12 rendering firearms in a gun exchange pro-
13 gram which is determined by the Director
14 of the Bureau of Justice Assistance to be
15 approved under section 1701 of the Omni-
16 bus Crime Control and Safe Streets Act of
17 1968, and

18 “(ii) the taxpayer received from the
19 donee a written statement that the prop-
20 erty (or voucher) was transferred as pro-
21 vided in clause (i).”

22 (b) EFFECTIVE DATE.—The amendment made by
23 subsection (a) shall apply to contributions made after the
24 date of the enactment of this Act.

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